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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

KYLE, CHARLES R

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 08/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/828,900	Applicant(s) OZONO ET AL.	
	Examiner Charles Kyle	Art Unit 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 is indefinite because the phrase “selectively extracts...in accordance with an extracting condition as to one of said evaluation factor axes”. It is unclear how the extracting condition would relate to an axis.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,263,955 *Summers* in view of US 6,330,645 *Suh*.

The *Summers* reference discloses a business position display system for illustrating a business environment position of a business unit to be analyzed, comprising:

A storage device for storing a plurality of sets of evaluation values for every business unit to be analyzed, each set of the evaluation values contains the results of a business unit evaluation

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in accordance with a plurality of evaluation factors, said set of evaluations values further having different values on a first evaluation factor axis and having the same values on all other axes (col. 2, lines 21-41 and col. 19, lines 3-13),

An extracting processor extracting at least one set of evaluation values related to said business unit to be analyzed out of said storage device in accordance with a predetermined extracting condition as to the attribute (col. 2, lines 21-41; col. 37, lines 1-13; Fig. 23),

A coordinate calculating processor calculating coordinates in a multi-dimensional space in accordance with the set of evaluation values extracted by the extracting processor (col. 2, lines 21-41 and col. 1, line 52 to Col. 12, line 8), and

A display processor showing an object at a position corresponding to the coordinates calculated by said coordinate calculating processor in said multi-dimensional space on a screen (col. 2, lines 21-41 and Figs. 4, 6 and 7) (Claims 1 and 12).

Summers does not specifically disclose that in the business unit analysis each set of evaluation values has a plurality of values on a plurality of evaluation factor axes. *Suh* disclose this limitation at Fig. 12, Current Year/Prior Year values, Fig 13 and Col. 8, lines 12-48, at least. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the plurality of evaluation factor axes having plural values of *Suh* in the business analysis invention of *Summers* because this would provide comparability among various business units at different times. The addition of multidimensional data such as that of *Suh* would add additional breadth and accuracy to any analyses done by *Summers*.

The storage device stores the evaluation values in a multi-dimensional database in which a multi-dimensional space is logically defined by the evaluation factor axes respectively representing reference, said set of evaluation values being position in the multi-dimensional space in accordance with logical position of its attribute on each axis (col. 10, lines 2-5 and Figs. 4, 6 & 7), and

Said extracting processor extracts a set of evaluation values of which logical position of the attribute on each evaluation factor axis corresponds to the extracting condition (col. 11, line 19 through col. 12, line 67) (Claim 2);

A condition setting device for arbitrarily setting said extracting condition (col. 11, line 19 through col. 12, line 67) (Claim 3);

At least one of the axes logically defining the multi-dimensional space in said multi-dimensional database includes a plurality of elements concerning its corresponding references which have relationship of a relationship of a layered structure with one another (col. 11, line 19 through col. 12, line 67) (Claim 4);

The coordinate calculating processor calculates, when said extracting processor extracts sets of evaluation values related to a plurality of business units, a plurality of the coordinates for respective business units in accordance with each extracted set of evaluation values (col. 11, line 19 through col. 12, line 67), and

The display processor shows, when a plurality of coordinates are calculated by the coordinate calculating processor, a plurality of objects at positions respectively corresponding to the coordinates (col. 2, lines 40-41, col. 10, lines 2-5 and Figs. 4, 6 & 7) (Claim 5);

When a predetermined tallying condition is satisfied between a plurality of sets of evaluation values extracted by said extracting processor, said coordinate calculating processor tallies up the evaluation values belonging to the extracted sets of evaluation values satisfying said tallying condition to calculate a new set of evaluation values and thereafter calculates coordinates in accordance with the new set of evaluation values (col. 11, line 19 through col. 12, line 67) (Claim 6);

The multi-dimensional space in which said object is shown by said display processor, is a two-dimensional space defined by a rectangular coordinate system (Figs. 6 & 7) (Claim 7);

The respective evaluation values are roughly classified into those related to environmental stability of industry, market strength, competitive advantage of a business unit to be analyzed, and financial strength of the business unit to be analyzed (col. 18, lines 19-67), and

Said coordinate calculating processor calculates coordinate on a first axis constituting the rectangular coordinate system in accordance with evaluation values of evaluation factors related to said market strength and said competitive advantage of the business unit to be analyzed, and coordinate on a second axis constituting said rectangular coordinate system in accordance with evaluation values of evaluation factors related to said environmental stability of the industry and said financial strength of the business unit to be analyzed (col. 11, line 19 through col. 12, line 67) (Claim 8);

The respective evaluation values are roughly classified into those related to a process viewpoint, an organization and personnel viewpoint, a stockholder viewpoint, and a customer viewpoint (col. 2, lines 52-67), and

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Said coordinate calculating processor calculates coordinates on a first axis constituting said rectangular coordinate system in accordance with evaluation values of evaluation factors related to said process viewpoint and said organization and personnel viewpoint, and coordinate on a second axis constituting said rectangular coordinate system in accordance with evaluation values of evaluation factors related to the stockholder viewpoint and the customer viewpoint (col. 11, line 19 through col. 12, line 67) (Claim 9); and

In the multi-dimensional database, the respective evaluation factors are classified, according to evaluation factor axis representing reference about types of respective evaluation factors, into a first group comprising those related to environmental stability of industry, market strength, competitive advantage of the business unit to be analyzed and financial strength of the business unit to be analyzed, and a second group comprising those related to the process viewpoint, the organization and personnel viewpoint, the stockholder viewpoint and the customer viewpoint (col. 2, lines 52-67), and

Said extracting processor selectively extracts only evaluation values of evaluation factors belonging to either one of the first group or the second group in accordance with an extracting condition as to the evaluation factor axis (col. 2, lines 21-41) (Claim 10).

The *Summers* reference discloses a computer-readable manufacture for storing data of evaluation values respectively set to a plurality of evaluation factors for every business unit to be analyzed, the manufacture comprising:

A computer-readable medium (col. 1, lines 26-28), and

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A data structure stored on the medium for displaying a business environmental position of a business unit to be analyzed, wherein the data structure, when implemented on a computer (col. 2, lines 21-41, permits the computer to:

Extract a set of evaluation values related to the business unit to be analyzed in accordance with a predetermined extracting condition of an attribute of a set of evaluation values, said set of evaluation values further having different values on a first evaluation factor axis and having the same values on all other axes (col. 2, lines 21-41),

Calculate coordinates in a multi-dimensional space in accordance with the extracted set of evaluation values (col. 2, lines 21-41), and

Output image data showing an object at a position corresponding to said calculated coordinates in the multi-dimensional space on a screen (col. 2, lines 21-41) (Claim 11).

Response to Arguments

Applicant's arguments with respect to claims 1-12 have been considered but are not persuasive.

Applicant argues at page 11, first full para. of Remarks, that the physical characteristics of *Summers* are not analogous to the evaluation values of the present invention because the evaluation values are the result of business unit evaluation. The Examiner notes that in *Summers* the business unit is a product and the evaluation values are the physical characteristics evaluated. Applicant does convincingly distinguish the two.

Applicant argues that *Summers* does not disclose data having different values on a first axis and same values on a different axis, but does not explain why the Examiner's citation to

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Summers is incorrect. Additionally, it was old and well known at the time of the invention to allow one variable in a simulation to vary while holding all others constant, the functional equivalent of Applicant's phrasing. The purpose of such a procedure is to allow an analyst to identify the particular variable associated with a change. If more than one variable is allowed to vary, it is impossible to identify the effect of each variable, producing useless analysis. It would have been obvious to one of ordinary skill in the art at the time of the invention to perform this variable "fixing" of *Summers* to allow attribution of effect to an identifiable variable.

At last para., page 11, Applicant asserts that *Summers* fails to teach several limitations, but does not explain why citations to *Summers* are incorrect.

At page 12, Applicant argues that several claims are allowable as depending from allowable independent claims, but does not identify any further allowable features.

The rejections are maintained.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Kyle whose telephone number is (571) 272-6746. The examiner can normally be reached on 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

crk
August 2, 2005

Examiner Charles Kyle

A handwritten signature in black ink, appearing to read "Charles Kyle", with a stylized flourish at the end.